

REMARKS

Claims 1-4 and 10 are pending in the above application. By the above amendment, claims 5-9 have been cancelled without prejudice, and claim 10 has been added.

The Office Action dated December 20, 2005, has been received and carefully reviewed. Each issue raised in that Office Action is addressed below, and reconsideration and allowance of claims 1-4 and 10 is respectfully requested in view of the following remarks.

ELECTION

Applicant confirms the election of the Group I claims, claims 1-4.

REJECTION UNDER 35 U.S.C. 112, SECOND PARAGRAPH

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite because the term “higher” is submitted to be a relative term. However, it is respectfully submitted that the use of relative terms does not automatically render a claim indefinite. MPEP 2173.05(b). Claim 1 does not require that the spectral reflectance merely be “higher” in some undefined sense. Claim 1 specifically requires that the spectral reflectance be higher than a spectral reflectance of the first coloring agent. Therefore the claim indicates in a definite manner that the spectral reflectance of the recording agent is higher than something previously identified, namely, the spectral reflectance of the first coloring agent. One of ordinary skill in the art would clearly understand what is being claimed. The specification, at page 5, line 12 to page 6, line 6, provides further support for this language. For these reasons, the rejection of claim 1 under 35 U.S.C. 112, second paragraph, is respectfully traversed.

REJECTIONS UNDER 35 U.S.C. 102(b)

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Auslander ‘205 (hereinafter, “Auslander”). Claim 1 requires a first coloring agent expressing a color component and a second coloring agent identical in hue to the first coloring agent. Auslander does not show first and second coloring agents having identical hues as claimed. The portion of Auslander cited in the Office Action discusses green and blue dyes, which do not have identical hues, and

combinations of dies where the hue of one or both dies is unspecified. Auslander in no manner shows or suggests first and second coloring agents identical in hue as required by claim 1, and claim 1 is submitted to be allowable over Auslander for at least this reason.

Claims 2-4 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by WO/038001. Claim 1 requires a first coloring agent expressing a color component and a second coloring agent identical in hue to the first coloring agent. WO/038001 discusses various inks having different colors, but does not disclose first and second coloring agents having identical hues as required by claim 1. Claim 1 is submitted to be allowable over WO/038001 for at least this reason.

Claims 2-4 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hakamada. Claim 1 requires a first coloring agent expressing a color component and a second coloring agent identical in hue to the first coloring agent. Hakamada in no manner shows and suggests first and second coloring agents as required by claim 1. Claim 1 is therefore submitted to be allowable over Hakamada.

Claims 2-4 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

The Office Action makes three separate rejections under 35 U.S.C. 102(b) which conclude with the statement that the applied reference “appears” to anticipate claim 1. However, none of the references show first and second coloring agents having identical hues as required by claim 1. If any of these rejections are maintained, it is respectfully requested that the examiner identify where each reference is believed to show first and second coloring agents identical in hue as required by claim 1 as this teaching appears to be completely absent from the references.

REJECTIONS UNDER 35 U.S.C. 103(a)

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 03/038001 in view of Hakamada. As discussed above, neither WO 03/038001 nor Hakamada

discloses first and second coloring agents identical in hue as required by claim 1. Combining these references does not result in or suggest the claimed invention in any manner. Claims 3 and 4 are therefore submitted to be allowable over the art of record for at least the same reasons as claim 1.

CLAIM 10

New claim 10 requires a first coloring agent and a second coloring agent identical in hue to the first coloring agent and is therefore submitted to be allowable over the art of record for at least the same reasons as claim 1.

CONCLUSION

Each issue raised in the Office Action dated December 20, 2005, has been addressed, and it is believed that claims 1-4 and 10 are in condition for allowance. Wherefore, reconsideration and allowance of claims 1-4 and examination and allowance of claim 10 is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/808,335
Amendment dated March 20, 2006
Reply to Office Action of December 20, 2005

Docket No.: 1248-0708PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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